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ORIGINAL

December 16, 2003

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Ms Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, D. C. 20554

Re: *Ex Parte*: Carriage of Digital Television Broadcast Signals,  
CS Docket No. 98-120

Dear Ms. Dortch:

On December 15, 2003, Marc Apfelbaum, Executive Vice President and General Counsel, Time Warner Cable, Steven Teplitz, Vice President and Associate General Counsel, Time Warner Inc., and the undersigned, of Paul, Weiss, Rifkind, Wharton & Garrison LLP, met with Commissioner Abernathy and Stacy Robinson Fuller, Mass Media Legal Advisor, to discuss issues relating to the digital must-carry proceeding. The specific topics of discussion were proposals under which, during the digital transition, broadcasters would be entitled to choose must-carry status for either their analog or their digital signal and proposals that would require cable operators to carry "multicast" signals.

We summarized Time Warner's views as detailed in filings submitted by Time Warner Cable on May 25, 2001, June 11, 2001, and August 16, 2001. In particular, these filings urge the Commission to reaffirm its conclusions that "primary video" includes only a single video stream and that digital signals are generally not entitled to must-carry status during the transition. We argued that, if the Commission were to consider altering these conclusions, resultant rules would be unconstitutional pursuant to the test set forth in *Turner Broadcasting System, Inc. v. FCC*, 512 U.S. 622 (1994).

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to be filed 014

Pursuant to Section 1.1206(b) of the Commission's rules, two copies of this notice are being provided to you for inclusion in the public record in the above-captioned proceeding. Should you have any questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to be 'H. Brands', with a long horizontal flourish extending to the right.

Henk Brands  
*Counsel for Time Warner Cable*

cc: Commissioner Abernathy  
Stacy Robinson Fuller